

Message Text

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S E C R E T SECTION 1 OF 3 NICOSIA 0623

EXDIS

E.O. 11652: XGDS-2
TAGS: PFOR, SY, CY, US
SUBJECT: DAVIES CASE

SUMMARY: SECTION THREE OF EIGHT OF OUR REVIEW OF THE CYPOL COVERING REPORT ON THE DAVIES INVESTIGATION COMPLETES THE "FACTS" MATERIAL AND SYNOPSIZES THE STATEMENTS OF THE REMAINING FOUR ACCUSED, OF NICOS DEMETRIADES, AND OF VASILIS PROESTOS. IN OUR ANALYSIS THE EVIDENCE AGAINST SAVVA IS ASSESSED AND A COMPARISON IS MADE BETWEEN THE STRONG CASE AGAINST NICOS DEMETRIADES, WHICH WAS DROPPED BY THE A/G, AND THE CASES OF CHARALAMBOUS AND LEONIDA, WHICH COULD ALSO HAVE BEEN DROPPED UNDER THE DEMETRIADES CRITERIA BUT WERE RETAINED. END SUMMARY.

BEGIN SECTION THREE:

FACTS (CONTINUED)

24. ON JULY 27, 1976 THE HOUSE OF LOIZOU SAVVA WAS SEARCHED. NOTHING PERTINENT TO THE INVESTIGATION WAS DISCOVERED. HE WAS INTERROGATED ON THE SAME DAY AND SIGNED A STATEMENT INDICATING:

A. HE REJOINED CYPOL ON JULY 16, 1974 AND SERVED
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UNTIL AUG. 12 AT PERISTERONA POLICE STATION, WHICH IS ABOUT 15-20 MILES WEST OF NICOSIA. ON AUG. 14, 1974, AT THE TIME OF THE SECOND TURKISH INVASION, HE WAS ORDERED BY CYPOL SUPT. ANDREAS RIGHAS TO SERVE UNDER MAJOR A. AVGOUSTIS, THEN THE MILITARY COMMANDER OF THE AREA. AT THIS TIME HE WORE MILITARY CLOTHING AND POSSESSED A KALASHNIKOV AUTOMATIC WEAPON. HE WAS ASSIGNED A POLICE

LAND ROVER. HE SELDOM VISITED NICOSIA, AND THEN ONLY WITH MAJOR AVGOUSTIS.

B. HE DOES NOT REMEMBER VISITING NICOSIA ON AUG. 19, 1974 BUT REMEMBERS HE DID NOT TAKE PART IN AN ANTI-AMERICAN DEMONSTRATION, NOR EVER APPROACH THE AMERICAN EMBASSY.

C. THE KALASHNIKOV AUTOMATIC WEAPON WAS GIVEN TO HIM BY AN UNKNOWN (TO HIM) SOLDIER AT THE NATIONAL GUARD. LATER, HE TURNED THE WEAPON IN TO AN UNKNOWN (TO HIM) CAPTAIN OF THE NATIONAL GUARD.

25. ON OCT. 20, 1976 A SUPPLEMENTAL STATEMENT WAS TAKEN FROM SAVVA:

A. THE KALASHNIKOV WAS TURNED IN BY HIM, ALONG WITH AN FN AUTOMATIC WEAPON, TO A NATIONAL GUARD 2ND LT. AFTER JULY 30, 1974 HE HAD NORMALLY CARRIED A KALASHNIKOV, OR A CZECH-TYPE WEAPON, OR AN FN AUTOMATIC WEAPON. HE HAD OBTAINED THEM FROM A NATIONAL GUARD OFFICER NAMED THEMIS, A REPORTER BY PROFESSION.

B. HE HAD ALSO BEEN POSTED TO THE KLIRON POLICE STATION DURING JULY AND AUGUST 1974 AND OFTEN VISITED THE FIRE BRIGADE AT NICOSIA, WHERE HE STAYED OVERNIGHT TWO OR THREE TIMES.

C. ON AUG. 6, 1974 HE HAD COLLECTED A NUMBER OF
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WEAPONS FROM THE FIRE BRIGADE AND DELIVERED THEM TO POLICE HEADQUARTERS.

D. ON AUG. 19, 1974 HE HAD HEARD OF THE DEMONSTRATIONS ON THE RADIO. HE FIRST LEARNED OF THE AMBASSADOR'S DEATH FROM HIS CAR RADIO WHILE HE WAS WITH MAJOR AVGOUSTIS.

26. IT IS IN EVIDENCE THAT ON THE MORNING OF AUG. 19, 1974 SAVVA WAS SEEN IN NICOSIA AT THE PASYDY HQS WITH SOME OTHER POLICEMEN. THERE IS NO EVIDENCE WHETHER HE WAS ARMED OR NOT. THERE IS EVIDENCE THAT DURING THE DEMONSTRATION AT THE EMBASSY SAVVA WAS SEEN ARRIVING IN A POLICE LAND ROVER DRESSED IN A MILITARY UNIFORM AND A POLICE CAP. HE WAS CARRYING TWO AUTOMATIC WEAPONS, KALASHNIKOV AND/OR CZECH-TYPE, WHICH HE LEFT IN THE LAND ROVER. HE WAS SEEN ENTERING THE BUILDING UNDER CONSTRUCTION CARRYING A REVOLVER IN HIS WAIST AND FOLLOWING KTIMATIAS AND LEFTIS. WHEN THE SHOTS AGAINST

THE EMBASSY HAD CEASED, HE WAS SEEN COMING OUT FROM THE SAID BUILDING AND GOING TO THE PLACE WHERE HE HAD LEFT HIS LAND ROVER. NO EVIDENCE WAS SECURED THAT SAVVA FIRED AGAINST THE EMBASSY DURING THE DEMONSTRATION.

A. ALLEGATIONS BY SAVVA THAT HE WAS NOT AT NICOSIA ON AUG. 19, 1974, PARTICULARLY IN THE AREA OF THE EMBASSY, WERE SUPPORTED BY MAJOR AVGOUSTIS, WHO SAID BOTH WERE TRAVELING IN A CAR WHEN THEY HEARD ABOUT THE ASSASSINATION OF THE AMBASSADOR. HOWEVER, AVGOUSTIS COULD NOT SAY CLEARLY WHETHER SAVVA WAS AT KLIROU OR NICOSIA ON THE MORNING OF AUG. 19. ALSO, AVGOUSTIS COULD NOT STATE AT WHAT TIME HE AND SAVVA HAD HEARD THE ANNOUNCEMENT OF THE AMBASSADOR'S DEATH.

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B. CYPOL WAS UNABLE TO VERIFY THAT SAAVA HAD EVER RETURNED THE AUTOMATIC WEAPON.

27. ON SEPT. 6, 1976 A STATEMENT WAS TAKEN FROM XEONFON G. XENOFONTOS. HE SAID:

A. HE WAS A NATIONAL GUARD 2ND LT. ON JULY 20 DURING THE FIRST TURKISH INVASION. ON AUG. 19, AT ABOUT NOON, HE ACCOMPANIED BRIG. GEN. AZINAS TO THE EMBASSY. ANOTHER GREEK OFFICER, MAJOR EFSTATHIOS SOULIS, WAS WITH THEM. XENOFONTOS WAS IN MILITARY UNIFORM AND UNARMED.

B. AS THEY ARRIVED AT THE EMBASSY, THEY SAW A LARGE CROWD SOUTING ANTI-AMERICAN SLOGANS AND BURNING EMBASSY VEHICLES. HE, GEN. AZINAS AND THEIR DRIVER HELPED THE POLICE DISPERSE THE RPOTERS. HE SAW TEAR GAS GRENADES COMING FROM THE EMBASSY AND HEARD SHOTS FROM AUTOMATIC WEAPONS. HE SAW AND UNKNOWN PERSON, IN

UNIFORM, WEARING AN OFFICER'S CAP, HOLDING A KALA-SHNIKOV, AND FIRING AT THE EMBASSY. AT THE SAME TIME HE LEARNED FROM THE DEMONSTRATORS THE MAN FIRING WAS KTIMATIAS.

C. HE REBUTS THE ALLEGATIONS OF LEFTIS THAT THEY HAD GONE TOGETHER TO THE EMBASSY. HE DID NOT SEE LEFTIS OR SAAVA IN THE EMBASSY AREA.

28. IT IS IN EVIDENCE THAT XENOFONTOS POSSESSED A LUGER
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PISTOL AND AT THE TIME AN EMBASSY OFFICER SHOUTED THE AMBASSADOR HAD BEEN SHOT, XENOFONTOS FIRED HIS PISTOL TOWARDS THE SOUTHERN PART OF THE EMBASSY BUILDING. AT THE TIME HE FIRED HE WAS STANDING IN AN OPEN BUILDING SITE SOUTH OF THE EMBASSY.

29. ON JUNE 1, 1976 THE HOUSE OF NICOS DEMETRIADES WAS SEARCHED AND A STATEMENT WAS OBTAINED. HE SAID:

A. ON JULY 20, 1974, WHEN THE TURKS INVADED HE RE-JOINED THE NAVY AND WAS ISSUED A .38 CALIBRE POLICE REVOLVER. HE SERVED UNTIL SEPT 1974, THEN WAS RELEASED FOR HEALTH REASONS.

B. ON AUG. 19 HE TOOK PART IN THE PASYDY DEMONSTRATION AT THE EMBASSY. HE WAS IN UNIFORM AND HAD HIS SERVICE REVOLVER WITH HIM. HE SAW THE STONE-THROWING AND THE VEHICLES BEING BURNED. HE SHOUTED ANTI-AMERICAN SLOGANS. HE HEARD SHOTS TOWARDS THE EMBASSY AND SAW TEAR GAS GRENADES COMING FROM THE EMBASSY.

C. AFTER HEARING HEAVY SHOOTING HE WITHDREW TOWARDS THE BUILDING UNDER CONSTRUCTION. THEN HE DREW HIS SERVICE REVOLVER AND FIRED TOWARDS THE EMBASSY. HE OBTAINED COVER IN THE BUILDING UNDER CONSTRUCTION. WHEN THE SHOOTING HAD CEASED HE LEFT THE BUILDING UNDER CONSTRUCTION AND JOINED THE OTHER DEMONSTRATORS. AT THAT POINT HE HEARD THAT THE AMBASSADOR AND A GIRL HAD BEEN KILLED.

D. HIS REVOLVER HAS BEEN GIVEN THOROUGH BALLISTIC CHECKS. NOTHING WAS DISCOVERED TO CONNECT IT WITH THE DEATHS OF THE AMBASSADOR OR MISS VARNAVA.

E. APART FROM THE ADMISSION OF NICOS DEMETRIADES NO OTHER EVIDENCE WAS SECURED AGAINST HIM. HE ADMITTED HE WAS PRESENT DURING THE DEMONSTRATION AT THE EMBASSY. THIS IS SUPPORTED BY A FILM SHOWING HIM MOVING ABOUT.

30. THE ACCUSED VASILIS PROESTOS IS NOW LIVING IN GREECE. IT IS IN EVIDENCE THAT HE WAS AT THE SCENE AND
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WAS IN POSSESSION OF BUNDLES OF DYNAMITE. SOME OF THE DYNAMITE WAS TAKEN FROM HIM BY AN UNKNOWN PERSON WHO WAS THERE ON DUTY. IT IS NOTED THAT PROESTOS WAS ARRESTED ON AUB. 21, 1974, INTERROGATED AND RELEASED THE NEXT DAY. DETAILS ARE NOT AVAILABLE. THE ORIGINAL DAVIES INVESTIGATION FILE WAS LOST. PROESTOS HAS SETTLED IN ATHENS SINCE LEAVING CYPRUS IN LATE 1974.

31. CHRISTAKIS NICOLA CHARALAMBOUS WAS IDENTIFIED BY A FILM PROVIDED BY THE AMERICAN EMBASSY. ON DEC. 16, 1976 HE WAS INTERROGATED FOR TAKING PART IN A RIOT AND FOR POSSESSING EXPLOSIVE SUBSTANCES. HE STATED HE HAD ATTENDED THE DEMONSTRATION AT THE EMBASSY. WHILE THERE HE SAW A PERSON UNKNOWN TO HIM HOLDING THREE BUNDLES OF DYNAMITE. HE TOOK ONE OF THE BUNDLES CONTAINING THREE STICKS. A SHORT TIME LATER HE DECIDED IT WAS NOT A GOOD IDEA FOR HIM TO HOLD THE DYNAMITE. HE THREW THEM INTO AN OPEN FIELD, WITHOUT USING THEM AGAINST THE EMBASSY. THE ONLY EVIDENCE AGAINST THIS ACCUSED IS HIS OWN ADMISSION. THERE IS NO INDEPENDENT EVIDENCE.

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32. ON JUNE 17, 1976 CHRISTOS LEONIDA WAS INTERROGATED. HE STATED HE HAD TAKEN PART IN THE ANTI-AMERICAN DEMONSTRATION AND WITH OTHERS HAD TRIED TO OVERTURN ONE CAR BELONGING TO THE EMBASSY. THEY COULD NOT OVERTURN IT. THEY DID NOT SET IT ON FIRE. THE ONLY EVIDENCE IS HIS ADMISSION. THERE IS NO INDEPENDENT EVIDENCE AGAINST HIM.

33. THE SCENE OF THE CRIME AND THE EMBASSY AREA HAVE BEEN SKETCHED BY POL. SGT. 484, STAVROS KKAFAS.

END OF SECTION THREE.

1. EMBASSY ANALYSIS AND COMMENT:

A. THE CASE AGAINST SAVVA IS THIN: THE ONLY HARD EVIDENCE LOCATING HIM AT THE SCENE IS FROM SOTIRIOU. SAVVA'S ALIBI WAS SUPPLIED BY NATIONAL GUARD MAJOR AVGOUSTIS WHO WAS CASHIERED FROM THE SERVICE IN LATE 1976 BECAUSE OF EOKA-B CONNECTIONS. (ASST. CYPOL CMDR. DEMETRIOU TOLD PHERSON THAT HE IS CONVINCED OF SAVVA'S PARTICIPATION IN THE HOMOCIDES. HE BELIEVES MAJ. AVGOUSTIS IS LYING TO PROVIDE AN ALIBI FOR SAVVA AND THE CASE AGAINST SAVVA WILL BE STRENGTHENED CONSIDERABLY ONCE THE PROSECUTION EXAMINES SAVVA ON THE WITNESS STAND.)

B. XENOFONTOS, ONE THE THREE ORIGINAL SUSPECTS
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AND A FORMER POLICEMAN, WAS PROTECTED BY CHIEF OF POLICE PANTELIDES AFTER XENOFONTOS' ARREST HAD BEEN ORDERED ON AUGUST 21, 1974. (SECTION WIGHT WILL PROVIDE DETAILS.) IN DEC 1976 CYPOL CONSIDERED DROPPING CHARGES AGAINST XENOFONTOS, BUT DID NOT DO SO WHEN PHERSON PROTESTED VIGOROUSLY. THE ONLY WITNESS AGAINST HIM IS POL. CONSTABLE ANDREAS APOSTOLOU, A PERSON NOT NOTED FOR HIS INTEGRITY.

C. THE A/G'S DECISION TO DROP THE CYPOL CHARGES AGAINST NICOS DEMETRIADES IS DISTURBING. DEMETRIADES HAD ADMITTED FIRING TOWARD THE EMBASSY FROM THE AREA OF THE UNCOMPLETED BUILDING PRIOT TO THE FATAL WOUND-ING OF AMBASSADOR DAVIES. WHEN PHERSON MENTIONED THIS TO GEORGE POLYVIOU, THE EMBASSY'S CYPRIOT COUNSEL, POLYVIOU STATED WITH NO HESITATION THAT THE A/G WAS WRONG. FURTHERMORE, THE A/G RETAINED THE CYPOL CHARGES AGAINST CHARALAMBOUS AND LEONIDA, ALTHOUGH THE ADMIS-SIBLE EVIDENCE AGAINST THEM, AS IN THE CASE OF DEMETRIADES, WAS ONLY THEIR OWN STATEMENTS TO CYPOL. THERE IS A STRONG CASE DRAWN AGAINST PROESTOS. ACTION WILL UNDOUBTEDLY BE TAKEN AGAINST HIM IF HE RETURNS TO CYPRUS. (NB: WHEN PHERSON REVIEWED THE CYPOL COVERIOG REPORT HE WAS REQUESTED TO TAKE NO NOTES ABOUT NICOS DEMETRIADES OR VASILIS PROESTOS SINCE NEITHER WOULD BE AMONG THE ACCUSED.) END COMMENT.

2. SECTION FOUR, TO FOLLOW, BEGINS A REVIEW OF THE CYPOL COVERING REPORT'S SUMMARY OF EVIDENCE AND SYNOPSISIZES STATEMENTS OF THE FIRST SEVEN OF PROSECUTION'S NINETEEN WITNESSES AGAINST KTIMATIAS.

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